

SENATE SUBSTITUTE TO HB 1158

AS PASSED SENATE

A BILL TO BE ENTITLED
AN ACT

To amend Titles 31 and 40 of the Official Code of Georgia Annotated, relating, respectively, to health and motor vehicles, so as to revise certain provisions relating to the duties and responsibilities of the Georgia Trauma Care Network Commission; to fund the Georgia Trauma Trust Fund; to provide for certain reports regarding the Georgia Trauma Trust Fund; to provide for intent of the General Assembly with regard to certain funds for funding the Georgia Trauma Trust Fund; to impose a charge on motor vehicle registrations in this state which shall be transferred to the state treasury for the purpose of funding the Georgia Trauma Trust Fund; to provide for the collection of such charge; to provide for related matters; to provide for referendum approval and a contingent effective date and applicability; to provide for automatic repeal under certain circumstances; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Title 31 of the Official Code of Georgia Annotated, relating to health, is amended by revising Code Section 31-11-102, relating to the duties and responsibilities of the Georgia Trauma Care Network Commission, as follows:

"31-11-102.

The Georgia Trauma Care Network Commission shall have the following duties and responsibilities:

(1) To apply for, receive, and administer state funds appropriated to the commission and federal funds and grants, private grants and donations, and other funds and donations.

The commission's annual distributions shall be capped and limited to funds received from the sources specified in this paragraph. The commission shall ensure that its funds are not used as a supplement or secondary payor to any other third-party payor;

(2) ~~For the first two fiscal years in which funds are appropriated to the commission for distribution, to~~ To distribute ~~such~~ funds in the following areas with the primary priority

1 for distribution for trauma care readiness costs for Level I, II, III, and IV trauma centers
2 and with further priorities in the following areas to be set by majority vote of the
3 commission:

4 (A) ~~Physician uncompensated trauma care services provided in designated trauma~~
5 ~~centers~~ Extending air or ground ambulance service to regions of the state which are
6 unserved or underserved;

7 (B) ~~Emergency medical service uncompensated trauma care services provided to~~
8 ~~patients transported to designated trauma centers~~ Training first responders to provide
9 trauma care and utilize the trauma care network; and

10 (C) ~~Uncompensated trauma care services of designated trauma centers;~~ Creating and
11 enhancing command and communication networks to refer trauma patients to the best
12 available facility within the trauma care network.

13 (D) ~~Trauma care readiness costs for designated or certified trauma care service~~
14 ~~providers; and~~

15 (E) ~~Trauma care service start-up costs for providers seeking a trauma care designation~~
16 ~~or certification.~~

17 The commission shall adopt a formula that prioritizes the distribution of state
18 appropriated funds that may be implemented ~~during the third state fiscal year in which~~
19 ~~funds are appropriated to the commission~~ for distribution. Such formula shall be
20 evaluated and modified, if needed, every two years thereafter;

21 (3) To develop, implement, administer, and maintain a system to compensate ~~designated~~
22 Level I, II, III, and IV trauma centers for a portion of their cost of readiness through a
23 semiannual distribution from the Georgia Trauma Trust Fund in a standardized amount
24 determined by the commission. Readiness costs shall include staffing and equipment
25 costs of trauma centers which are incurred solely in order to provide trauma readiness as
26 a Level I, II, III, or IV trauma center and shall not include any expenses which are
27 incurred by a hospital on an ordinary basis regardless of whether or not trauma services
28 are offered. The standardized amounts shall be determined by the commission by July 1,
29 2008, according to designation level and shall be capped at that specific amount.
30 Initially, such standardized amount shall be based upon a three-year average of annual
31 trauma cases, annual amount of uncompensated trauma care services administered, and
32 a three-year annual average cost of readiness. Such criteria may be changed by a
33 majority vote of the commission. The standardized amounts established pursuant to this
34 paragraph shall be published by the commission. The commission shall be authorized to
35 adjust the standardized amounts for readiness cost reimbursements for a trauma center
36 by a positive or negative margin not to exceed 20 percent of the standardized amount for
37 the designation level based on the volume of patients who were provided trauma care by

1 the trauma center during the prior calendar year. No funds shall be reimbursed to trauma
2 centers by the commission in excess of the adjusted readiness cost. Total annual
3 distributions for trauma center ~~and emergency medical service~~ readiness shall be capped
4 at an amount set by the commission. However, the standards developed by the
5 commission for readiness shall include, but are not limited to, the following:

6 (A) Criteria assuring the trauma fund is a payor of last resort;

7 (B) Criteria assuring that all other resources must be exhausted before the trauma funds
8 are allocated; and

9 (C) Criteria assuring that trauma funds must be used to meet a verified need that assists
10 the trauma center to maintain a trauma center designation;

11 ~~(4) To develop, implement, administer, and maintain a system to provide additional~~
12 ~~designated trauma center compensation to cover trauma center costs not associated with~~
13 ~~readiness based upon an application and review based process. These distributions shall~~
14 ~~be capped and limited to semiannual appropriations received by the commission.~~
15 ~~Designated trauma centers shall submit an application for trauma funds reimbursement~~
16 ~~semiannually. The application process developed by the commission for such costs shall~~
17 ~~include, but is not limited to, the following:~~

18 ~~(A) Criteria assuring that the trauma fund is a payor of last resort;~~

19 ~~(B) Criteria assuring that trauma funds shall be used for reimbursement for services~~
20 ~~provided to designated trauma patients;~~

21 ~~(C) Criteria assuring that trauma funds shall be used for reimbursement for trauma~~
22 ~~service codes;~~

23 ~~(D) Criteria assuring that trauma funds used for reimbursement for trauma care costs~~
24 ~~shall be on a fee schedule or grant basis; provided, however, that no reimbursement~~
25 ~~shall exceed the average rate reimbursed for similar services under the State Health~~
26 ~~Benefit Plan; and~~

27 ~~(E) Criteria that require the trauma center to submit a semiannual report documenting~~
28 ~~and verifying the use of such funds;~~

29 ~~(5) To develop, implement, administer, and maintain a system to compensate physicians~~
30 ~~who provide uncompensated call and trauma care services. This reimbursement shall be~~
31 ~~distributed on a semiannual basis and paid on a formula to be set by the commission. The~~
32 ~~call hours must be documented and verified by the trauma director at the appropriate~~
33 ~~trauma center in order to receive such funds. The formula developed by the commission~~
34 ~~for reimbursement shall include, but is not limited to, the following:~~

35 ~~(A) Criteria assuring that the trauma fund is a payor of last resort;~~

36 ~~(B) Criteria assuring that trauma funds shall be used for reimbursement for services~~
37 ~~provided to designated trauma patients;~~

~~(C) Criteria assuring that trauma funds used for reimbursement for physician costs shall be on a fee schedule or grant basis; provided, however, that no reimbursement shall exceed the average rate reimbursed for similar services under the State Health Benefit Plan; and~~

~~(D) Criteria assuring that trauma funds shall be used for reimbursement for trauma service codes;~~

~~(6) To reserve and disburse additional moneys to increase the number of participants in the Georgia trauma system. These funds shall be disbursed through an application process to cover partial start-up costs for nondesignated acute care facilities to enter the system as Level II, III, or IV trauma centers. The application process developed by the commission for start-up costs shall include, but is not limited to, the following:~~

~~(A) Criteria assuring that the trauma fund is a payor of last resort;~~

~~(B) Criteria assuring that all other resources for start-up costs must be exhausted before the trauma funds are allocated;~~

~~(C) Criteria assuring that the distribution of trauma funds will result in the applicant's achieving a trauma designation as defined by the commission within the time frame specified on the application;~~

~~(D) Criteria assuring and verifying that the Department of Human Resources has determined that there is a need for an additional trauma center with the designation that the applicant is seeking; and~~

~~(E) Criteria assuring that no more than 15 percent of the total annual distribution from the trauma fund total shall be distributed for new trauma center development;~~

~~(7)(A) To develop, implement, administer, and maintain a system to compensate members of the emergency medical service transportation community for readiness and uncompensated trauma care.~~

~~(B) The compensation for the cost of readiness shall be through an application process adopted by the commission. The application process developed by the commission for readiness costs shall include, but is not limited to, the following:~~

~~(i) Criteria assuring that the trauma fund is a payor of last resort;~~

~~(ii) Criteria assuring that all other resources for readiness costs must be exhausted before the trauma funds are allocated;~~

~~(iii) Criteria assuring that the distribution of trauma funds will result in the applicant's achieving certification as defined by the commission within the time frame specified on the application; and~~

~~(iv) Criteria assuring and verifying that the Department of Human Resources has determined that there is a need for additional emergency medical services with the certification that the applicant is seeking.~~

~~(C) The commission shall develop a formula for reimbursing emergency medical services uncompensated trauma care services. The formula developed by the commission for reimbursement shall include, but is not limited to, the following:~~

~~(i) Criteria assuring that the trauma fund is a payor of last resort;~~

~~(ii) Criteria assuring that trauma funds shall be used for reimbursement for services provided to designated trauma patients; and~~

~~(iii) Criteria assuring that trauma funds used for reimbursement of emergency medical service costs shall be on a fee schedule or grant basis; provided, however, that no reimbursement shall exceed the average rate reimbursed for similar services under the State Health Benefit Plan;~~

~~(8) To appropriate, out of the Georgia Trauma Trust Fund, annual moneys for investment in a system specifically for trauma transportation. The purpose of this system is to provide transport to trauma victims where current options are limited. The commission shall promulgate rules and regulations for such system and shall pursue contracts with existing state transportation structures or create a contractual arrangement with existing transportation organizations. The commission shall also be responsible for creating, maintaining, and overseeing a foundation to raise funds specifically for investment in this system and overall trauma funding;~~

~~(9)~~(4) To act as the accountability mechanism for the entire Georgia trauma system, primarily overseeing the flow of funds from the Georgia Trauma Trust Fund into the system. The State Office of EMS/Trauma shall receive an annual distribution from the commission of not more than 3 percent of the total annual distribution from the fund in the fiscal year. These funds shall be used for the administration of an adequate system for monitoring state-wide trauma care, recruitment of trauma care service providers into the network as needed, and for research as needed to continue to operate and improve the system;

~~(10)~~(5) To coordinate its activities with the Department of Human Resources;

~~(11)~~(6) To employ and manage staff and consultants in order to fulfill its duties and responsibilities under this article;

~~(12)~~(7) To establish, maintain, and administer a trauma center network to coordinate the best use of existing trauma facilities in this state and to direct patients to the best available facility for treatment of traumatic injury. No later than January 1, 2010, the commission shall establish a plan to divide the state into trauma regions. Such plan shall be designed to bring new trauma care providers to unserved trauma regions. Following establishment of the plan, the commission shall be authorized to issue one or more requests for proposals to provide trauma care services in unserved regions. In selecting proposals to provide trauma care services in unserved regions, the commission shall consider the

quality of services and cost of services included in the proposals of the trauma care providers;

~~(13)~~(8) To coordinate, assist, establish, maintain, and administer programs designed to educate the citizens of this state on trauma prevention;

~~(14)~~(9) To coordinate and assist in the collection of data to evaluate the provision of trauma care services in this state;

~~(15)~~(10) To study the provision of trauma care services in this state to determine the best practices and methods of providing such services, to determine what changes are needed to improve the provision of trauma care services, and to report any proposed legislative changes to the General Assembly each year; and

~~(16)~~(11) To employ an executive director and other staff and to establish duties and responsibilities of such persons."

SECTION 2.

Said title is further amended by revising Code Section 31-11-103, relating to the Georgia Trauma Trust Fund, as follows:

"31-11-103.

(a) There is established the Georgia Trauma Trust Fund. The executive director of the Georgia Trauma Care Network Commission shall serve as the trustee of the Georgia Trauma Trust Fund. The moneys deposited into such fund pursuant to this article may be expended by the executive director with the approval of the Georgia Trauma Care Network Commission for those purposes specified in Code Section 31-11-102.

(b)(1) As soon as practicable after the end of each fiscal year, the Office of Treasury and Fiscal Services shall report to the General Assembly, the Office of Planning and Budget, and the Georgia Trauma Care Network Commission the amount of funds received pursuant to Code Section 40-2-153 from the trauma charge on motor vehicle registrations.

(2) It is the intent of the General Assembly that, subject to appropriation, an amount equal to such proceeds received in any fiscal year shall be made available during the following fiscal year to the Georgia Trauma Trust Fund for use of the Georgia Trauma Care Network Commission for the purposes set forth in Code Section 31-11-102."

SECTION 3.

Title 40 of the Official Code of Georgia Annotated, relating to motor vehicles, is amended by revising Code Section 40-2-23, relating to county tax collectors and tax commissioners designated tag agents, as follows:

1 "40-2-23.

2 (a) The tax collectors of the various counties of this state and the tax commissioners of
3 those counties in which the duties of the tax collector are performed by a tax commissioner
4 shall be designated as tag agents of the commissioner for the purpose of accepting
5 applications for the registration of vehicles. The commissioner is authorized to promulgate
6 rules and regulations for the purpose of delegating to such tag agents the custodial
7 responsibility for properly receiving, processing, issuing, and storing motor vehicle titles
8 or registrations, or both.

9 (b) The state revenue commissioner is authorized to further designate each such tag agent
10 as a sales tax agent for the purpose of collecting sales and use tax with respect to the casual
11 sale or casual use of a motor vehicle. For purposes of this Code section, 'casual sale' or
12 'casual use' means the sale of a motor vehicle by a person who is not regularly or
13 systematically engaged in making retail sales of motor vehicles and the first use,
14 consumption, distribution, or storage for use or consumption of such motor vehicle
15 purchased through a casual sale. As personal compensation for services rendered to the
16 Department of Revenue with respect to the collection of such sales and use tax, each such
17 designated tag agent shall be authorized to retain from such collection a fee of \$200.00 per
18 month. In any month in which an insufficient amount of such tax is collected to pay such
19 fee, the amount of any such unpaid fee may be deferred until such month as sufficient
20 collections are made. Such compensation shall be in addition to any other compensation
21 to which such tax collector or tax commissioner is entitled.

22 (c) The state revenue commissioner is authorized to further designate each such tag agent
23 as a tax agent for the purpose of collecting the trauma charge required by Code Section
24 40-2-153.

25 ~~(c)~~(d) The duties and responsibilities of agents of the commissioner designated under this
26 Code section shall be a part of the official duties and responsibilities of the county tax
27 collectors and tax commissioners."

28 SECTION 4.

29 Said title is further amended by revising Code Section 40-2-29, relating to license fee to
30 accompany application, as follows:

31 "40-2-29.

32 An application for registration shall be accompanied by check; cash; certified or cashier's
33 check; bank, postal, or express money order; or other similar bankable paper; for the
34 amount of the license fee and other fees or charges required by law. A money order receipt
35 or other evidence of the purchase and remittance of such bankable paper for the proper
36 amount, dated prior to any delinquency by the proper authority of the issuer, and showing

1 the office of the commissioner or the office of the county tag agent as the payee and the
2 owner of the vehicle sought to be licensed and registered as the remitter shall serve as a
3 temporary permit to operate such vehicle for a period of 15 days from the date of such
4 remittance."

5 SECTION 5.

6 Said title is further amended by revising Code Section 40-2-30, relating to purchase by mail,
7 as follows:

8 "40-2-30.

9 An applicant may purchase a vehicle license plate or revalidation decal by mail, by mailing
10 a properly completed application form to the tag agent of the county of ~~his~~ the applicant's
11 residence along with a money order in the amount of the license fee, all other fees or
12 charges required by law, and all ad valorem taxes due thereon plus an additional fee of
13 \$1.00. The governing authority of the county may by resolution authorize the tag agent of
14 the county to receive application and payment for the purchase of a license plate or
15 revalidation decal by mail without charging the additional \$1.00 fee."

16 SECTION 6.

17 Said title is further amended by revising paragraph (1) of subsection (a) of Code
18 Section 40-2-33, relating to issuance of license plates, as follows:

19 "(a)(1) Upon compliance with the provisions of this chapter and the payment of the
20 license fee and other fees or charges required by law, the tag agent shall accept the
21 application for registration and, except as otherwise provided for in this chapter, if the
22 license plate or revalidation decal applied for is in such tag agent's inventory, he or she
23 shall issue the appropriate plate or revalidation decal."

24 SECTION 7.

25 Said title is further amended by revising Code Section 40-2-153, which is reserved, as
26 follows:

27 "40-2-153.

28 There is imposed a trauma charge of \$10.00 per year on each motor vehicle that is required
29 to be licensed and registered with the department. Such trauma charge shall be collected
30 in the same manner and at the same time as the license fee required by this chapter is
31 collected and prior to the issuance of a license plate or revalidation decal for such motor
32 vehicle. This Code section shall not apply to vehicles owned by the state or its
33 departments, agencies, or authorities or by any political subdivision of the state. Such

1 charge shall be remitted to the state treasury for the purpose of funding the Georgia Trauma
2 Trust Fund."

3 **SECTION 8.**

4 (a)(1) Except as otherwise provided in this section, Sections 2 through 7 of this Act shall
5 become effective on January 1, 2009; provided, however, that Sections 2 through 7 of this
6 Act shall become effective on January 1, 2009, only if this Act is approved by the voters
7 as provided in subsection (b) of this section. If this Act is not approved by the voters as
8 provided in subsection (b) of this section, then Sections 2 through 7 of this Act shall not
9 become effective and shall stand repealed in their entirety on January 1, 2009.

10 (2) Sections 1, 8, and 9 of this Act shall become effective on July 1, 2008.

11 (b) Unless prohibited by the federal Voting Rights Act of 1965, as amended, the Secretary
12 of State shall call and conduct an election as provided in this section for the purpose of
13 submitting this Act to the electors of the State of Georgia for approval or rejection. The
14 Secretary of State shall conduct that election on the date of the November, 2008, state-wide
15 general election. The Secretary of State shall issue the call and conduct that election as
16 provided by general law. The Secretary of State shall cause the date and purpose of the
17 election to be published in the official organ of each county in the state once a week for
18 two weeks immediately preceding the date of the election. The ballot shall have written
19 or printed thereon the words:

20 "() YES Shall the Act be approved that provides for a \$10.00 charge on motor
21 vehicle registrations in this state for the purpose of appropriation for
22 () NO funding the Georgia Trauma Trust Fund?"

23 All persons desiring to vote for approval of the Act shall vote "Yes," and those persons
24 desiring to vote for rejection of the Act shall vote "No." If more than one-half of the votes
25 cast on such question are for approval of the Act, then Sections 2 through 7 of this Act may
26 become effective as provided in subsection (a) of this section; otherwise, Sections 2 through
27 7 of this Act shall not become effective.

28 **SECTION 9.**

29 All laws and parts of laws in conflict with this Act are repealed.